

**MORRISON & FOERSTER LLP**

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SEP 29 2004

**To:**

NAME:	FACSIMILE:	TELEPHONE:
Commissioner for Patents USPTO	703-872-9306	703-305-0910

**FROM:** Rick Shoop**DATE:** September 29, 2004

Number of pages with cover page:	7
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**Comments:**

Attorney Docket No.: 473912000100  
Group Art Unit: 3739  
Examiner: H. Johnson  
Serial No.: 09/629,242  
Filed: July 31, 2000  
Inventors: Benjamin D. PLESS  
Title: PROCESS FOR PHOTODYNAMIC CARDIAC ABLATION THERAPY AND DEVICES  
FOR THOSE PROCEDURES  
Documents Enclosed:  
1. Transmittal Form (1 page)  
2. Fee Transmittal + copy (2 pages)  
3. Notice of Change of Status and Payment of Deficiency Owed Under 37 C.F.R. § 1028(c) (3 pages)

**BEST AVAILABLE COPY**

pa-923568

PTO/SD/21 (04-04)

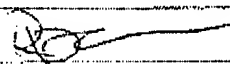
Approved for use through 07/31/2006 OMB 0651-0031

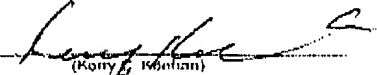
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/629,242	
	Filing Date	July 31, 2000	
	First Named Inventor	Benjamin D. PLESS	
	Art Unit	3739	
	Examiner Name	H. Johnson	
Total Number of Pages in This Submission	6	Attorney Docket Number	473912000100

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form + copy (2 pages) <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Notice of Change of Status and Payment of Deficiency Owed Under 37 C.F.R. § 1.28(c) (3 pages) Facsimile Cover Sheet
Remarks: _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Name or Individual name	MORRISON & FOERSTER LLP (Customer No. 25226) Rick Shoop - 45,763
Signature	
Date	September 29, 2004

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.	
Dated: September 29, 2004	Signature:  (Kerry Mahan)

pa-923542

PTO/SR/17 (10-03)

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**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003 Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 665.00**Complete if Known**

Application Number	09/629,242
Filing Date	July 31, 2000
First Named Inventor	Benjamin D. PLESS
Examiner Name	H. Johnson
Art Unit	3739
Attorney Docket No.	473912000100

**METHOD OF PAYMENT (check off that apply)**
☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ New
☒ Deposit Account

Deposit Account Number

03-1952

Deposit Account Name

Morrison &amp; Foerster LLP

The Director is authorized to (check off that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

**SUBTOTAL (1) (\$)** 0.00**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
23	25** = 0	18	0.00
3	3** = 0	85	0.00
Multiple Dependent		200	0.00

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$)** 0.00

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	2053	130	Non English specification	
1012	2,520	2012	2,520	For filing a request for ex parte examination	
1804	920*	2804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	2805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to review - unavoidable	
1453	1,330	2453	665	Petition to review - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	840	2503	320	Plant issue fee	
1460	130	2460	130	Petitions to the Commissioner	
1007	50	2007	50	Processing fee under 37 CFR 1.17(a)	
1806	180	2806	180	Submission of Information Disclosure Sheet	
8021	40	28021	40	Recording each patent assignment per property (lines number of properties)	
1009	770	2009	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1010	770	2010	385	For each additional invention to be examined (37 CFR 1.129(b))	
1001	770	2001	385	Request for Continued Examination (RCE)	
1002	900	2002	900	Request for expedited examination of a design application	
Other fee (specify)				Payment of Delinquency Owed	165.00

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)** 665.00**SUBMITTED BY**

Name (Print/Type) Rick Shoop

Registration No. (Attorney/Agent)

45,763

(Complete if applicable)

Telephone (650) 813-5804

Signature

Date

September 29, 2004

# DUPLICATE COPY FOR FEE PROCESSING

Approved for use through 7/31/2006 OMB 0651-0032  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP The Director is authorized to, (check all that apply): <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above identified deposit account		<b>3. ADDITIONAL FEES</b> <table border="1"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for expedited examination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>420</td><td>2252</td><td>210</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>950</td><td>2253</td><td>475</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,480</td><td>2254</td><td>740</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,010</td><td>2255</td><td>1,005</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>330</td><td>2401</td><td>165</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>330</td><td>2402</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>290</td><td>2403</td><td>145</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,330</td><td>2453</td><td>665</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,330</td><td>2501</td><td>665</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>480</td><td>2502</td><td>240</td><td>Design issue fee</td><td></td></tr> <tr><td>1503</td><td>640</td><td>2503</td><td>320</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Positions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(g)</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of proportion)</td><td></td></tr> <tr><td>1809</td><td>770</td><td>2809</td><td>385</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>770</td><td>2810</td><td>385</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>770</td><td>2801</td><td>385</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="4">Other fee (specify)</td><td>Payment of Deficiency Owed</td><td>665.00</td></tr> <tr><td colspan="4">*Reduced by Basic Filing Fee Paid</td><td>SUBTOTAL (3) (\$)</td><td>665.00</td></tr> </tbody> </table>		Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	1051	130	2051	65	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for expedited examination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	110	2251	55	Extension for reply within first month		1252	420	2252	210	Extension for reply within second month		1253	950	2253	475	Extension for reply within third month		1254	1,480	2254	740	Extension for reply within fourth month		1255	2,010	2255	1,005	Extension for reply within fifth month		1401	330	2401	165	Notice of Appeal		1402	330	2402	165	Filing a brief in support of an appeal		1403	290	2403	145	Request for oral hearing		1451	1,510	1451	1,510	Petition to institute a public use proceeding		1452	110	2452	55	Petition to revive - unavoidable		1453	1,330	2453	665	Petition to revive - unintentional		1501	1,330	2501	665	Utility issue fee (or reissue)		1502	480	2502	240	Design issue fee		1503	640	2503	320	Plant issue fee		1460	130	1460	130	Positions to the Commissioner		1807	50	1807	50	Processing fee under 37 CFR 1.17(g)		1806	180	1806	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of proportion)		1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))		1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))		1801	770	2801	385	Request for Continued Examination (RCE)		1802	900	1802	900	Request for expedited examination of a design application		Other fee (specify)				Payment of Deficiency Owed	665.00	*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$)	665.00
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<b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b> <table border="1"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1202</td><td>18</td><td>2202</td><td>9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>1201</td><td>85</td><td>2201</td><td>43</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>1203</td><td>290</td><td>2203</td><td>145</td><td>Multiple dependant claim, if not paid</td><td></td></tr> <tr><td>1204</td><td>85</td><td>2204</td><td>43</td><td>** Reissue independent claims over original patent</td><td></td></tr> <tr><td>1205</td><td>18</td><td>2205</td><td>9</td><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr> <tr><td colspan="5">SUBTOTAL (2) (\$)</td><td>0.00</td></tr> </tbody> </table>		Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	1202	18	2202	9	Claims in excess of 20		1201	85	2201	43	Independent claims in excess of 3		1203	290	2203	145	Multiple dependant claim, if not paid		1204	85	2204	43	** Reissue independent claims over original patent		1205	18	2205	9	** Reissue claims in excess of 20 and over original patent		SUBTOTAL (2) (\$)					0.00																																																																																																																																																		
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Name (Print/Type) Rick Shoop		Registration No. 45,763																																																																																																																																																																																											
Signature		Telephone (650) 813-5804																																																																																																																																																																																											
		Date September 29, 2004																																																																																																																																																																																											

pa-923541

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Dated: September 29, 2004 Signature: 

(Korry C. Keenan)

Docket No.: 473912000100  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Benjamin D. PLESS

Application No.: 09/629,242

Art Unit: 3739

Filed: July 31, 2000

Examiner: H. Johnson

For: PROCEDURES FOR PHOTODYNAMIC  
CARDIAC ABLATION THERAPY AND  
DEVICES FOR THOSE PROCEDURES

NOTICE OF CHANGE OF STATUS AND  
PAYMENT OF DEFICIENCY OWED  
UNDER 37 C.F.R. §1.28(C)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

It has recently come to our attention that a good faith error appears to have been made regarding the entity status of the above-referenced application and that some fee payments appear to have been made in error claiming small entity discount.

As required under 37 C.F.R. §1.28(c), to correct these oversights and in order for the error in payments to be excused we hereby submit an itemization of all erroneous small entity payments and the differential fees, together with the deficiency payment.

Application No.: 09/629,242

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Docket No.: 473912000100

**Itemization of all erroneous small entity payments and the differential fees:**

TYPE OF FEE	DATE PAID	SMALL ENTITY FEE PAID	CURRENT FEE AMOUNT	LARGE ENTITY DIFFERENTIAL FEE
ISSUE FEE	SEPTEMBER 20, 2004	\$665.00	\$1330.00	\$665.00
<b>TOTALS</b>		<b>\$665.00 (Total Fees Previously Paid)</b>	<b>\$1330.00 (Current Fee Amount)</b>	<b>\$665.00 (Corrected Fee Amount to be charged to Deposit Account No. 03-1952 )</b>

pa-923524

Application No.: 09/629,242

3

Docket No.: 473912000100

**REMARKS**

Based upon the above, Applicant believes the differential between the small entity fees previously paid and the large entity fees now owing should total \$665.00. Applicant requests this *differential fee* be paid from our Deposit Account No. 03-1952.

Pursuant to 37 C.F.R. § 1.28(e), the calculated deficient "large entity fees" are based upon the amount of the fee in effect at the time the deficiency is paid in full. In the event the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 473912000100.

Dated: September 29, 2004

Respectfully submitted,

By 

Rick Shoop

Registration No.: 45,763

MORRISON &amp; FOERSTER LLP

755 Page Mill Road

Palo Alto, California 94304

(650) 813-5804

pa-923524

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